



200 JUN -2 AM 9:30

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of )

Applicants: James D. Logan et al. )

Serial No. 09/782,546 )

Filed: February, 13 2001 )

Title: Broadcast Program and Advertising  
Distribution System )

Office of Petitions

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JUN 27 2005

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JUN 13 2005

OFFICE OF PETITIONS

Commissioner of Patents and Trademarks

Washington, DC 20231

Dear Sir:

**Renewed Petition Under 37 CFR 1.137(b)**

This is a request for reconsideration of the decision dismissing the Petition under Rule 1.137(b) filed on January 2, 2004. The earlier petition was dismissed for failure to include an Abstract of the Disclosure as stated in the decision mailed on January 27, 2005.

This Renewed Petition resubmits copies of papers filed with the original petition, including a copy of the Petition for Revival, the Notice of Missing Parts, Notice of Abandonment and the signed declaration submitted with the original petition, and further includes an amendment adding the missing Abstract noted in the decision. It is respectfully requested that this Renewed Petition be granted.

Respectfully submitted,

Charles G. Call, Reg. 20,406

USPTO Customer No. 021253

68 Horse Pond Road

West Yarmouth, MA 02673-2516

Fax: (508) 629-6540

Dated: May 27, 2005

May 27 2005 10:24PM CHARLES G CALL

508-778-2630

P. 3

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MAY 27 2005

PTO/SB/64 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		Docket Number (Optional) A-004
--	--	-----------------------------------

First named Inventor: James D. Logan

Application No.: 09/782,546

Art Unit: 2171

Filed: February 13, 2001

Examiner: Unassigned

Title:

Broadcast program and advertising distribution system

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Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

JUN 13 2005

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ \$665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Notice of missing parts, \$74 fee and declaration (identify type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/64 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**3. Terminal disclaimer with disclaimer fee**

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

January 1, 2004

Date

Telephone Number: (508) 778-2630

Signature

Charles G. Call

Typed or printed name

68 Horse Pond Road

Address

West Yarmouth, MA 02673

Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Notice of Abandonment, Notice of Missing Parts, Credit card fee payment, and declaration**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916. (703) 872-9306

January 1, 2004

Date

Signature

Charles G. Call

Type or printed name of person signing certificate

Page 1 of 2

MAY 27 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/782,546	02/13/2001	James D. Logan	96,855

021253  
 CHARLES G CALL  
 53 SAINT STEPHEN STREET  
 BOSTON, MA 02115

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MAY 27 2005

## FORMALITIES LETTER



\*OC000000005885292\*

Date Mailed: 03/21/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$9.
  - \$9 for 13 total claims over 20.
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 74.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An Abstract not to exceed 150 words in length, commencing on a separate sheet (37 CFR 1.72(b)).

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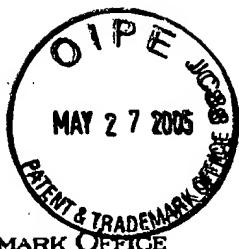
*A copy of this notice MUST be returned with the reply.*

JUN 1 3 2005

OFFICE OF PETITIONS

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

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Page 1 of 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/782,546	02/13/2001	James D. Logan	96,865

021253  
CHARLES G. CALL  
68 HORSE POND ROAD  
WEST YARMOUTH, MA 02673-2516

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MAY 27 2005

CONFIRMATION NO. 3118  
ABANDONMENT/TERMINATION  
LETTER  
  
\*OC000000011063968\*

Date Mailed: 10/20/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/21/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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*A copy of this notice MUST be returned with the reply.*

JUN 13 2005

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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PTO/SB/01 (10-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	A-37
First Named Inventor	Logan, James D.
<b>COMPLETE IF KNOWN</b>	
Application Number	09/782,546
Filing Date	02/13/2001
Art Unit	2171
Examiner Name	

As the below named Inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Broadcast Program and Advertising Distribution System**

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the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 02/13/2001 as United States Application Number or PCT International

Application Number 09/782,546 and was amended on (MM/DD/YYYY)  (if applicable).

**OFFICE OF PETITIONS**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Dec 30 03 05:58p

p. 2

PTO/SB/01 (10-01)

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**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to:  Customer Number  
or Bar Code Label **021253** OR  Correspondence address below

Name

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Address

**JUN 1 3 2005**

City

State

ZIP

Country

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Telephone

Fax

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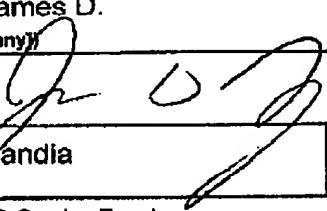
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:**  A petition has been filed for this unsigned inventor

Given Name **James D.**  
(first and middle [if any])

Family Name **Logan**  
or Surname

Inventor's  
Signature


Date **10/30/03**

Residence: City **Candia**

State **NH**

U.S.A.  
Country

US  
Citizenship

23 Currier Road

Mailing Address

City **Candia** State **NH** ZIP **03034** U.S.A.  
Country

**NAME OF SECOND INVENTOR:**  A petition has been filed for this unsigned inventor

Given Name **Daniel F.**  
(first and middle [if any])

Family Name **Goessling**  
or Surname

Inventor's  
Signature

Date

Residence: City **Wayland**

State **MA**

U.S.A.  
Country

Citizenship

43 Davelin Road

Mailing Address

City **Wayland** State **MA** ZIP **01778** U.S.A.  
Country

Additional inventors are being named on the **1** supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

[Page 2 of 2]

FROM : Goessling Wayland MA

PHONE NO. : 5083584374

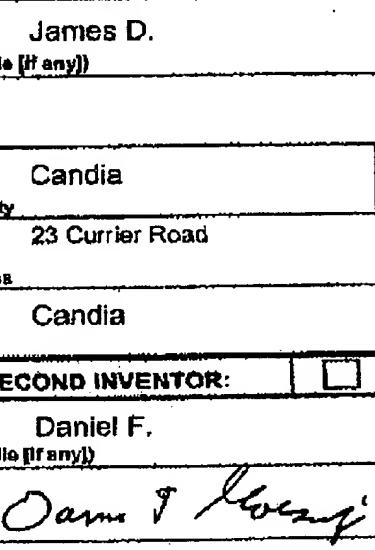
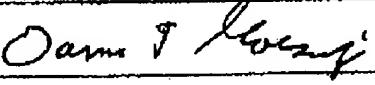
Jan. 01 2004 05:09PM P01



PTO/SB/01 (10-01)  
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 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/>		Customer Number or Bar Code Label	021253	OR <input type="checkbox"/> Correspondence address below
Name _____				
Address _____		State _____	ZIP _____	
City _____	Country <b>U.S.A.</b>	Telephone _____	Fax _____	RECEIVED
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>				
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name <b>James D.</b> <small>(first and middle [if any])</small>		Family Name <b>Logan</b> <small>or Surname</small>		
Inventor's Signature 		Date <b>JUN 13 2005</b>		
Residence: City <b>Candia</b>	State <b>NH</b>	Country <b>U.S.A.</b>	Citizenship <b>US</b>	OFFICE OF PETITIONS
23 Currier Road				
Mailing Address				
City <b>Candia</b>		State <b>NH</b>	ZIP <b>03034</b>	Country <b>U.S.A.</b>
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name <b>Daniel F.</b> <small>(first and middle [if any])</small>		Family Name <b>Goessling</b> <small>or Surname</small>		
Inventor's Signature 		Date <b>January 1, 2004</b>		
Residence: City <b>Wayland</b>	State <b>MA</b>	Country <b>U.S.A.</b>	Citizenship	
43 Davelin Road				
Mailing Address				
City <b>Wayland</b>		State <b>MA</b>	ZIP <b>01778</b>	Country <b>U.S.A.</b>
<input checked="" type="checkbox"/> Additional inventors are being named on the <u>1</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.				

[Page 2 of 2]

PTO/SB/02A (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION****ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 1 of 1**

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name <b>Charles G.</b>  		Family Name or Surname <b>Call</b>	
Inventor's Signature		Date <b>12/30/63</b>	
Residence: City <b>West Yarmouth</b>	State <b>MA</b>	US Country <b>US</b>	US Citizenship <b>RECEIVED</b>
Mailing Address <b>68 Horse Pond Road</b>			
Mailing Address <b>JUN 13 2005</b>			
City <b>West Yarmouth</b>		MA State <b>MA</b>	ZIP <b>02673</b>
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country

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